

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FAIR FIGHT ACTION, INC, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

Civ. Act. No. 18-cv-5391 (SCJ)

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that Plaintiffs FAIR FIGHT ACTION, INC., CARE IN ACTION, INC., EBENEZER BAPTIST CHURCH OF ATLANTA, GEORGIA, INC., BACONTON MISSIONARY BAPTIST CHURCH, INC., VIRGINIA-HIGHLAND CHURCH, INC., and THE SIXTH EPISCOPAL DISTRICT, INC., hereby move for a Temporary Restraining Order and Preliminary Injunction enjoining Defendant Brad Raffensperger, in his capacity as Georgia

Secretary of State, from purging 120,561 voters from Georgia's rolls on the basis of fewer than nine years of inactivity.

As set forth in the Plaintiffs' Memorandum of Law in Support of Motion for a Temporary Restraining Order and Preliminary Injunction and the accompanying exhibits filed herewith, Plaintiffs have established a likelihood of success on the merits; that Plaintiffs will suffer irreparable harm if the Court does not issue the preliminary relief sought; that the harm to Plaintiffs outweighs any harm Defendants would suffer if the Court were to order the preliminary relief the Plaintiffs seek; that the balance of hardships tips strongly in the Plaintiffs' favor; and that a Temporary Restraining Order and Preliminary Injunction in this case advance the public interest. On December 16, 2019, Plaintiffs gave notice by telephone and email that they would ask the Court to hear today their Motion for a Temporary Restraining Order and Preliminary Injunction and Memorandum.

Plaintiffs respectfully request that the Court hear the motion today due to the planned December 16, 2019 voter purge by Defendants, which would remove tens of thousands of Georgia residents from Georgia's voter rolls.

Plaintiffs further request that this Court set this matter for a hearing on its motion for preliminary injunction on expedited basis and with the opportunity for the parties to submit additional evidence and briefing as appropriate.

Respectfully submitted,

December 16, 2019

/s/Leslie J. Bryan

Allegra J. Lawrence (GA Bar No. 439797)
Leslie J. Bryan (GA Bar No. 091175)
Maia Cogen (GA Bar No. 832438)
Suzanne Smith Williams (GA Bar No. 526105)
LAWRENCE & BUNDY LLC
1180 West Peachtree Street
Suite 1650
Atlanta, GA 30309
Telephone: (404) 400-3350
Fax: (404) 609-2504
allegra.lawrence-hardy@lawrencebundy.com
leslie.bryan@lawrencebundy.com
maia.cogen@lawrencebundy.com
suzanne.williams@lawrencebundy.com

Thomas R. Bundy (Admitted *pro hac vice*)
LAWRENCE & BUNDY LLC
8115 Maple Lawn Boulevard
Suite 350
Fulton, MD 20789
Telephone: (240) 786-4998
Fax: (240) 786-4501
thomas.bundy@lawrencebundy.com

Elizabeth Tanis (GA Bar No. 697415)
John Chandler (GA Bar No. 120600)
957 Springdale Road, NE
Atlanta, GA 30306
Telephone: (404) 771-2275
beth.tanis@gmail.com
jachandler@gmail.com

Matthew G. Kaiser (Admitted *pro hac vice*)
Sarah R. Fink (Admitted *pro hac vice*)
Scott S. Bernstein (Admitted *pro hac vice*)
Norman G. Anderson (Admitted *pro hac vice*)
KAISERDILLON PLLC
1099 Fourteenth Street, NW
Eighth Floor West
Washington, DC 20005
Telephone: (202) 640-2850
Fax: (202) 280-1034
mkaiser@kaiserdillon.com
sfink@kaiserdillon.com
sbernstein@kaiserdillon.com
nanderson@kaiserdillion.com

Dara Lindenbaum (Admitted *pro hac vice*)
SANDLER REIFF LAMB
ROSENSTEIN &
BIRKENSTOCK, P.C.
1090 Vermont Avenue, NW
Suite 750
Washington, DC 20005
Telephone: (202) 479-1111
Fax: 202-479-1115
lindenbaum@sandlerreiff.com

Kurt G. Kastorf (GA Bar No. 315315)
THE SUMMERVILLE FIRM, LLC
1226 Ponce de Leon Avenue, NE
Atlanta, GA 30306
Telephone: (770) 635-0030
Fax: (770) 635-0029
kurt@summervillefirm.com

Andrew D. Herman (Admitted *pro hac vice*)
Nina C. Gupta (Admitted *pro hac vice*)
MILLER & CHEVALIER
CHARTERED
900 Sixteenth Street, NW
Washington, DC 20006
Telephone: (202) 626-5800
Fax: (202) 626-5801
aherman@milchev.com
ngupta@milchev.com

Kali Bracey (Admitted *pro hac vice*)
JENNER & BLOCK LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
Telephone: (202) 639-6000
Fax: (202) 639-6066
kbracey@jenner.com

Jeremy H. Ershow (Admitted *pro hac vice*)
JENNER & BLOCK LLP
919 Third Avenue
New York, New York 10022
Telephone: (212) 891-1600
Fax: (212) 891-1699
jershow@jenner.com

Von A. DuBose
DUBOSE MILLER LLC
75 14th Street N.E., Suite 2110
Atlanta, GA 30309
Telephone: (404) 720-8111
Fax: (404) 921-9557
dubose@dubosemiller.com

Counsel for Fair Fight Action, Inc.; Care in Action, Inc.; Ebenezer Baptist Church of Atlanta, Georgia, Inc.; Baconton Missionary Baptist Church, Inc.; Virginia-Highland Church, Inc.; and The Sixth Episcopal District, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2019, I caused to be served the foregoing **MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** by filing it through the Court's ECF system which will cause service on opposing counsel as follows:

Chris Carr
Attorney General
Dennis Dunn
Deputy Attorney General
Russell Willard
Senior Assistant Attorney General
Georgia Office of the Attorney General
40 Capitol Square
Atlanta, GA 30334
ccarr@law.ga.gov
ddunn@law.ga.gov
rwillard@law.ga.gov

Joshua Barrett Belinfante
Vincent Robert Russo, Jr.
Brian Edward Lake
Carey Allen Miller
Andrew Swindle
Special Assistant Attorneys General
Robbins Ross Alloy Belinfante Littlefield, LLC
500 Fourteenth St., N.W.
Atlanta, GA 30318
Telephone: (678) 701-9381
Fax: (404) 856-3250
jbelinfante@robbinsfirm.com

blake@robbinsfirm.com
vrusso@robbinsfirm.com
cmiller@robbinsfirm.com
aswindle@robbinsfirm.com

Bryan P. Tyson
Bryan F. Jacoutot
Special Assistant Attorneys General
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
Telephone: (678) 336-7249
btysen@taylorenglish.com
bjacoutot@taylorenglish.com

This the 16th day of December, 2019.

/s/ Leslie J. Bryan
Leslie J. Bryan